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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/084,790	02/25/2002	Douglas Dillon	PD-201031	6225
29158	7590	08/01/2006	EXAMINER	
BELL, BOYD & LLOYD LLC			KOROBV, VITALI A	
P. O. BOX 1135				
CHICAGO, IL 60690-1135			ART UNIT	PAPER NUMBER
			2155	

DATE MAILED: 08/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/084,790	<b>Applicant(s)</b> DILLON ET AL.	
	<b>Examiner</b> Vitali Korobov	<b>Art Unit</b> 2155	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 12 June 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-10,12-16,18-20,22-24,26-32 and 34-41 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-10,12-16,18-20,22-24,26-32 and 34-41 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **Response to Amendment**

1. This Office Action is in response to the amendment filed on 06/12/2006. The Applicants' arguments were carefully considered and were found to be persuasive. Therefore, the Final Rejection dated 02/09/2006 is hereby vacated. Claims 1, 2, 4-10, 12-16, 18-20, 22-24, 26-32 and 34-41 are pending in this Office Action.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 2, 4, 5, 7, 9, 10, 13, 15, 16, 19, 20, 23, 24, 26, 27, 29, 31, 32 and 36-41 are rejected under 35 U.S.C. 102(e) as being anticipated by the U. S. Patent 6,389,464 to Cohen et al., hereinafter Cohen.

Referring to claim 1, Cohen teaches a method for providing a proxy service, the method comprising: receiving a message from an application that supports browsing, the message being identified as invoking the proxy service (Abstract and col. 8, lines 11-28 - redirection of HTTP requests to a proxy. In addition to support of HTTP, Cohen specifically teaches client browser support in col. 2, lines 39-44); and selectively forwarding the message by a transport layer switching mechanism to a proxy agent

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configured to provide the proxy service (Col. 2, lines 66-67 and col. 3, lines 1-7 - selective forwarding of browser requests (requests that are directed to port 80) by a Layer 4, or the Transport Layer of the OSI Network Model), wherein the forwarding of the message is transparent to the application (Col. 16, lines 34-42 – forwarding of the message is transparent to the client and his browser application).

Referring to claim 2, Cohen teaches a method according to claim 1, wherein the proxy agent in the forwarding step includes at least one of a Hypertext Transfer Protocol (HTTP) proxy and a Domain Name Server (DNS) proxy (Col. 4, lines 7-10. Proxy that performs DNS look-ups is a DNS proxy. Even though this is sufficient for rejection of claim 2, the Examiner would like to point out that Cohen also teaches an HTTP proxy at least in col. 8, lines 11-28).

Referring to claim 4, Cohen teaches a method according to claim 1, wherein the switching mechanism resides in a host that is loaded with the application (Fig. 1 and Col. 6, lines 23-31).

Referring to claim 5, Cohen teaches a method according to claim 1, wherein the switching mechanism resides in a network element that is configured to perform routing of the message (Fig. 1 and Col. 6, lines 28-31).

Referring to claim 7, Cohen teaches a method according to claim 1, wherein the proxy agent resides in at least one of a host loaded with the application, a satellite modem, and a network element configured to perform routing of the message (Fig. 1 and Col. 6, lines 28-31).

Referring to claim 36, Cohen teaches a method according to claim 1, wherein the transport layer switching mechanism is configured to operate according to Layer 4 of Open System Interconnection (OSI) model (Col. 2, lines 66-67 and col. 3, lines 1-7 - Layer 4 switch).

Claims 9, 10 and 13 do not teach or define any new limitations above those in claims 1, 2, 4, 5 and 7, and set forth the invention as an apparatus rather than a method, as do claims 1, 2, 4, 5 and 7. Therefore, claims 9, 10 and 13 are rejected under the same rationale as the above rejected claims 1, 2, 4, 5 and 7.

Claims 15 and 16 do not teach or define any new limitations above those in claims 1, 2, 4, 5 and 7, and set forth the invention as a system rather than a method, as do claims 1, 2, 4, 5 and 7. Therefore, claims 15 and 16 are rejected under the same rationale as the above rejected claims 1, 2, 4, 5 and 7.

Claims 19 and 20 do not teach or define any new limitations above those in claims 1, 2, 4, 5 and 7, and set forth the invention as a device rather than a method, as do claims 1, 2, 4, 5 and 7. Therefore, claims 19 and 20 are rejected under the same rationale as the above rejected claims 1, 2, 4, 5 and 7.

Claims 23, 24, 26, 27 and 29 do not teach or define any new limitations above those in claims 1, 2, 4, 5 and 7, and set forth the invention as a computer-readable medium rather than a method, as do claims 1, 2, 4, 5 and 7. Therefore, claims 23, 24, 26, 27 and 29 are rejected under the same rationale as the above rejected claims 1, 2, 4, 5 and 7.

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Claims 31 and 32 do not teach or define any new limitations above those in claims 1, 2, 4, 5 and 7, and set forth the invention as a network apparatus rather than a method, as do claims 1, 2, 4, 5 and 7. Therefore, claims 31 and 32 are rejected under the same rationale as the above rejected claims 1, 2, 4, 5 and 7.

Claims 37, 38, 39, 40 and 41 do not teach or define any new limitations above those in claim 36, and set forth the invention as an apparatus, a system, a device, a computer-readable medium and a network apparatus, respectively, rather than a method, as does claim 36. Therefore, claims 37-41 are rejected under the same rationale as the above rejected claim 36.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 6 rejected under 35 U.S.C. 103(a) as being unpatentable over Cohen in view of the U. S. Patent No. 7,032,031, issued to Jungck et al., hereinafter Jungck.

Referring to claim 6, Cohen teaches a method according to claim 1.

Cohen does not explicitly teach the limitation of claim 6 wherein the switching mechanism resides in a modem that is configured to communicate over a satellite network.

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However Jungck, in analogous art, directed to an apparatus and method for enhancing the infrastructure of a network, teaches implementation of forward, reverse or transparent proxy servers on a network comprising satellite links (Jungck, col. 8, lines 44-51 and col. 3, lines 49-53).

Therefore, it would have been obvious to one of ordinary skills in the art at the time the invention was made to incorporate the teachings of Jungck regarding implementation of a network comprising transparent proxies over satellite links into the teachings of Cohen in order to enhancing the infrastructure of a network, as suggested by Jungck at least in the Abstract. Modified in this manner Cohen is further referred to as modified Cohen.

Referring to claim 8, modified Cohen teaches a method according to claim 1, wherein the message is transmitted over a wide area network (WAN) that includes a two-way satellite network (Jungck, col. 3, lines 16-21 and 49-53).

Claims 12 and 14 do not teach or define any new limitations above those in claims 6 and 8, respectively, and set forth the invention as an apparatus rather than a method, as do claims 6 and 8. Therefore, claims 12 and 14 are rejected under the same rationale as the above rejected claims 6 and 8.

Claim 18 does not teach or define any new limitations above those in claim 8 and sets forth the invention as a system rather than a method, as does claim 8. Therefore, claim 18 is rejected under the same rationale as the above rejected claim 8.

Claim 22 does not teach or define any new limitations above those in claim 8, and sets forth the invention as a device rather than a method, as does claim 8.

Therefore, claim 22 is rejected under the same rationale as the above rejected claim 8.

Claims 28 and 30 do not teach or define any new limitations above those in claims 6 and 8, and set forth the invention as a computer-readable medium rather than a method, as do claims 6 and 8. Therefore, claims 28 and 30 are rejected under the same rationale as the above rejected claims 6 and 8.

Claims 34 and 35 do not teach or define any new limitations above those in claims 6 and 8, and set forth the invention as a network apparatus rather than a method, as do claims 6 and 8. Therefore, claims 34 and 35 are rejected under the same rationale as the above rejected claims 6 and 8.

4. **Examiner's note:** Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

### ***Response to Arguments***

5. Applicant's arguments filed 11/01/2005 have been fully considered but are moot in view of the new ground(s) of rejection.



***Conclusion***

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vitali Korobov whose telephone number is 571-272-7506. The examiner can normally be reached on Mon-Friday 8a.m. - 4:30p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached on (571)272-4006. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

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you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Vitali Korobov  
Examiner  
Art Unit 2155

VAK  
07/28/2006



SALEH NAJJAR  
SUPERVISORY PATENT EXAMINER.